

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANN MAYHALL, on behalf of her Minor  
Child, D.M., individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

AMAZON WEB SERVICES, INC., *et. al.*,

Defendants.

Case No. C21-1473 TL-MLP

**ORDER SETTING TRIAL DATE  
AND PRETRIAL SCHEDULE**

**INTRODUCTION**

Having reviewed the Joint Status Report and Discovery Plan submitted by the parties (dkt. # 26), the Court hereby sets this case for a jury trial and orders the following pretrial schedule:

| Event                                   | Date      |
|---|-----------|
| JURY TRIAL to begin at 9:00 a.m., on:   | 1/22/2024 |
| Deadline for joining additional parties | 9/16/2022 |
| Deadline for amending pleadings         | 9/16/2022 |
| Motion for Class Certification          | 2/24/2023 |

|    |  |                                  |
|----|--|----------------------------------|
| 1  | Response to Motion for Class Certification   | 45 days after filing of motion   |
| 2  |  |                                  |
| 3  | Reply in Support of Motion for Class Certification   | 30 days after filing of response |
| 4  | Reports of expert witnesses under FRCP 26(a)(2) due  | 7/10/2023                        |
| 5  | All motions related to discovery must be filed by this date and noted for consideration no later than the third Friday thereafter (see LCR7(d))  | 7/10/2023                        |
| 6  | Rebuttal expert disclosures under FRCP 26(a)(2) due  | 8/14/2023                        |
| 7  |  |                                  |
| 8  | Discovery to be completed by   | 8/14/2023                        |
| 9  | All dispositive motions and motions to exclude expert testimony for failure to satisfy <i>Daubert</i> must be filed pursuant to LCR 7(d)   | 9/18/2023                        |
| 10 | Settlement Conference, if mediation has been requested by the parties per LCR 39.1, held no later than   | 10/20/2023                       |
| 11 | Mediation per LCR 39.1, if requested by the parties, held no later than  | 11/20/2023                       |
| 12 |  |                                  |
| 13 | All motions in limine must be filed by   | 12/18/2023                       |
| 14 | Agreed LCR 16.1 Pretrial Order due   | 1/2/2024                         |
| 15 | Trial briefs, proposed voir dire questions, proposed jury instructions, deposition designations, and exhibit lists due by this date. Counsel are to confer and indicate with their submissions which exhibits are agreed to. | 1/8/2024                         |
| 16 |  |                                  |
| 17 | Pretrial Conference scheduled for 9:30 a.m. on   | 1/16/2024                        |
| 18 |  |                                  |

19 The dates set forth in this order are firm dates that can be changed only by order of the  
20 Court, not by agreement of counsel for the parties. The Court will alter these dates only upon  
21 good cause shown. Failure to complete discovery within the time allowed is not recognized as  
22 good cause.

1 If the trial dates assigned to this matter create an irreconcilable conflict, counsel must  
2 notify Tim Farrell, deputy clerk, in writing **within ten (10) days** of the date of this Order and  
3 must set forth the exact nature of the conflict. A failure to do so will be deemed a waiver.  
4 Counsel must be prepared to begin trial on the date scheduled, but it should be understood that  
5 the trial may have to await the completion of other cases.

#### 6 **PRONOUN USAGE**

7 All are encouraged to let the Court know their pronouns either in the signature lines of  
8 pleadings, advising the in-court deputy clerk before the hearing begins, or orally advising the  
9 judge at a hearing.

#### 10 **APPEARING BEFORE THE COURT**

11 The opportunity to appear and argue before the Court is valuable to becoming a  
12 competent and experienced lawyer. The Court encourages law firms and litigants to provide this  
13 opportunity to the widest variety of all counsel, including new lawyers, especially where these  
14 lawyers drafted or significantly contributed to motions and responses.

#### 15 **MEET AND CONFER REQUIREMENT**

16 For all cases, except applications for temporary restraining orders, counsel contemplating  
17 the filing of any motion shall first contact opposing counsel to discuss thoroughly, preferably in  
18 person, the substance of the contemplated motion and any potential resolution. The Court  
19 construes this requirement strictly. Half-hearted attempts at compliance with this rule will not  
20 satisfy counsel's obligation.

21 The parties must discuss the substantive grounds for the motion and attempt to reach an  
22 accord that would eliminate the need for the motion. The Court strongly emphasizes that  
23 discussions of the substance of contemplated motions are to take place, if at all possible, in

1 person. All motions must include a declaration by counsel briefly describing the parties'  
2 discussion and attempt to eliminate the need for the motion and the date of such discussion.  
3 Filings not in compliance with this rule may be stricken.

#### 4 **COOPERATION**

5 As required by LCR 37(a), all discovery matters are to be resolved by agreement if  
6 possible. Counsel are also directed to cooperate in preparing the final pretrial order in the format  
7 required by LCR 16.1, except as ordered below.

#### 8 **EXHIBITS**

9 The original and two copies of the trial exhibits are to be delivered to Judge Lin's chambers  
10 five days before the trial date. Each exhibit shall be clearly marked. The Court hereby alters the  
11 LCR 16.1 procedure for numbering exhibits: Plaintiff(s)' exhibits shall be numbered consecutively  
12 beginning with P-1; defendant(s)' exhibits shall be numbered consecutively beginning with D-1.  
13 Joint exhibits shall be numbered consecutively beginning with J-1. Duplicate documents shall not  
14 be listed twice. Each exhibit shall be printed double-sided unless there is a specific need to not do  
15 so. Once a party has identified an exhibit in the pretrial order, it may be used by any party. Each  
16 set of exhibits shall be submitted in a three-ring binder with appropriately numbered tabs.

#### 17 **SETTLEMENT**

18 If this case settles, Plaintiff's counsel shall notify deputy clerk, Tim Farrell at (206) 370-  
19 8422 or via e-mail at: [Tim\\_Farrell@wawd.uscourts.gov](mailto:Tim_Farrell@wawd.uscourts.gov), as soon as possible. Pursuant to  
20 LCR11(b), an attorney who fails to give the Deputy Clerk prompt notice of settlement may be  
21 subject to such discipline as the Court deems appropriate. The Clerk is directed to send copies of  
22 this Order to all parties of record.  
23

**CHAMBERS PROCEDURES**

Unless specifically noted otherwise, Judge Peterson follows the Court's Local Rules. Counsel are directed to consult the Local Rules for the Western District of Washington and the Federal Rules of Civil Procedure on all matters. Counsel are also expected to be familiar with Judge Peterson's Chambers Procedures, which are available on the Court's website.

DATED this 12th day of April, 2022.



MICHELLE L. PETERSON  
United States Magistrate Judge